

May 14, 2012

The Common Council met as the Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Members Shelton, Fuelling, Hoehn, Curtis and Higgins attending. Others attending were Attorney Higgins, Superintendent Gray, Chief Beloit, Chief Dixon, Superintendent Givens, Street Commissioner Maynard, John Taylor – Economic Development, Ann Fischer, Nancy Sexton, Pam Robinson – Posey County News and Sara Manifold – Mt. Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive the reading and approve the minutes as presented.

Board Member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Member Fuelling.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker asked all those in favor of the motion would signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Board Member Higgins moved the claims presented be allowed for payment.
Seconded by Board Member Shelton.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear from the Water Chairman Curtis.

Water Chairman Curtis stated that Superintendent Gray had several things to mention.

Superintendent Gray wanted to let the Board know that the core samples could not be completed due to the river being high. The project had to be abandon for now. Superintendent Gray stated the Lamella Building has been dismantled. He stated the siding can be reused but the frame is shot.

Superintendent Gray stated he has lost an employee, a meter reader, to the City of Speedway. He asked the Board for permission to hire Tim Ghrist.
He stated the background check is done the references have been checked and the drug screen is complete.
He stated now he would like approval from the Board to hire Mr. Ghrist.

It was the consensus of the Board to move forward with the new hire.

Mayor Tucker asked if there were any questions.
There was none.

Mayor Tucker stated they have the financial reports were before them.

Mayor Tucker asked if the Clerk-Treasurer had any communications for the board.
Clerk-Treasurer Dike stated not at this time.

Mayor Tucker stated there was nothing listed under legals on the agenda.

Mayor Tucker asked if anyone in the audience wishes to address the board.
There was no response.

Mayor Tucker stated under old business he wanted to let the board know that a couple meetings ago Lou Pierce was present at the Council Meeting to discuss a water adjustment. She was told that she was speaking at the wrong meeting and to come back to the next Water Utility Board. He wanted to let the board know that since that meeting Lou has gotten with Superintendent Gray and everything has been taken care of.

Superintendent Gray stated that everything has been taken care of.

Mayor Tucker asked if there were any questions.
There was none.

Mayor Tucker stated under New Business on the agenda is the May 28, 2012 Memorial Day Meeting. Mayor Tucker stated that our next Utility Board and Council Meeting fall on Memorial Day and the City is closed for the Holiday. He stated that a decision needs to be made regarding that meeting.

Board Member Curtis makes a motion to connect the decision of the Utility Board Meeting in regards to the Memorial Day Holiday with the decision of the Council vote.
Seconded by Board Member Fuelling.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker asked all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Member Curtis moved the meeting be adjourned.
Seconded by Member Shelton.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Denise Dike
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board at 7:00pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and Members Shelton, Fuelling, Hoehn, Curtis and Higgins attending. Others attending were Attorney Higgins, Superintendent Gray, Chief Beloit,

Chief Dixon, Superintendent Givens, Street Commissioner Maynard, John Taylor – Economic Development, Ann Fischer, Nancy Sexton, Pam Robinson – Posey County News and Sara Manifold – Mt. Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of the previous meeting and by asking if there were any corrections or additions. He added if not he entertains a motion to waive their reading and approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented.
Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion.
There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street and Light Chairman Fuelling – stated he has no report.
Commissioner Maynard stated he has no report.

Police and Dog Chairman Shelton – stated she has no report.
Chief Beloit stated he has no report.

Fire Chairman Higgins – stated she has no report.
Chief Dixon stated he has no report.

Sewer Chairman Hoehn – stated he has no report.
Superintendent Givens stated he will update them on a project that started July 2011. He stated they have started pouring the foundation for the 3.5 million gallon storage tank. He stated they have started the upgrade on the electrical panel from 240 to 480. Superintendent Givens stated next week Kieffer Bros., Aaron and himself will be ready to drop half the plant down.

Mayor Tucker asked if there were any questions.
There were none.

Mayor Tucker stated they have the financial reports in front of them and any questions they may have can be directed to the Clerk-Treasurer.

Mayor Tucker asked if Clerk-Treasurer Dike had any communications for the Council.
Clerk-Treasurer Dike replied not at this time.

Mayor Tucker stated there were a few items on the legal portion of the agenda.

Attorney Higgins stated the first item on the legal portion of the agenda is the 2nd Reading of the Ordinance rezoning 121 Vista Drive from office to Residential.

Councilman Curtis stated he hasn't heard of any comments of this re-zoning.

Councilman Curtis makes a motion to approve on 2nd reading the Ordinance to rezone 121 Vista Drive from Office to Residential.
Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion.

There was none.

Roll call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Councilman Curtis makes a motion to suspend the rules.
Seconded by Councilman Hoehn

Mayor Tucker asked if there was any discussion.
There was none.

Roll Call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously.

Councilman Curtis makes a motion to pass on 3rd reading the Ordinance rezoning 121 Vista Drive from Office to Residential.
Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion.
There was none.

Roll Call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously

Clerk-Treasurer Dike reported the Ordinance is numbered 12-07 at 7:10pm.

Attorney Higgins stated the next item on the legal portion of the agenda is the Public Hearing with possible 2nd and 3rd readings of the Ordinance of Additional Appropriations in County Option Income Fund and MVHF II Fund. She stated this had first reading on 4/9/12 and is now ready for public hearing. She stated this is to appropriate \$300,000 into COIT OS&C line 311 and 20,000 into MVHF II line 365 for a total of \$320,000.

Mayor Tucker called the public hearing on the Ordinance of Additional Appropriations in County Option Income Fund and MVHF II Fund to order at 7:13pm.

Mayor Tucker asked if anyone from the audience would like to address the board.

There was no response.

Mayor Tucker closed the public hearing at 7:13pm.

Attorney Higgins stated we are now ready for 2nd reading.

Councilman Fuelling makes a motion to approve on 2nd reading the Ordinance of Additional Appropriations in County Option Income Fund and MVHF II Fund.

Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion.
There was none.

Roll call vote was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Councilman Fuelling made a motion to suspend the rules.

Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion.
There was none.

Roll call vote was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously

Councilman Fuelling makes a motion to pass on 3rd reading the Ordinance of Additional Appropriations in County Option Income Fund and MVHF II Fund.
Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion.
There was none.

Roll Call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman – Higgins – yes.

Mayor Tucker reported the motion carried unanimously.

Clerk-Treasurer Dike reported the Ordinance numbered 12-08 at 7:16pm.

Attorney Higgins stated the next item on the legal portion of the Agenda is a Resolution for a Temporary Loan from Rainy Day to General and Park/Rec. Attorney Higgins stated this is a temporary loan moving \$200,000 to General Fund and \$50,000 to Park and Rec from Rainy Day for a total of \$250,000.

She stated you have two versions of this in front of you. She stated one should really read Resolution temporary loan while other reads Resolution authorizing transfer of funds.

She stated the state has allowed some changes with EDIT and Rainy Day due to the tax caps. She stated the revisions they have made allows in EDIT, COIT and Rainy Day to be able to be used for any lawful purpose. This in regards to Rainy Day fund, the City has an ordinance to have a Rainy day fund. If you have budgets in tax crunch because tax settlement hasn't been received. She stated that one of the revisions with Rainy Day and Edit would allow us to either temporary loan this money from Rainy day and or Edit and either have the money paid back by the end of the year or we can transfer the money into any budgeted fund. She stated this transfer would not have to be paid back. That is the difference of the two versions. One is a temporary loan to be paid back by 12/31/2012 the other one if adopted would be no money put back into Rainy Day fund.

Attorney Higgins asked Clerk-Treasurer Dike if the advance draw has been mailed off. Clerk-Treasurer Dike stated yes the approval to ask for the advance draw was approved at the last board of works and the request for the advanced draw was sent to the Auditor.

Councilman Curtis stated he is inclined to transfer the money instead of having a large amount of money setting there but as of right now he is more inclined of the temporary loan and investigate it as to how much to move and where to move it.

Councilman Fuelling stated he is favor of the transfer also. He stated this is the way the state has set it up to take care of our needs.

Councilman Curtis stated this is the first time he has looked at it that way. He stated he would like to loan it. Councilman Curtis stated he would like to take a look at it and maybe at the end of the year take a look at where to move it to get us in line. So we don't have this issue.

Councilman Fuelling stated so take a look at it later.

Councilman Curtis stated he is not opposed to the transfer, he is just more inclined for the temporary loan now. And look at the other and see how to divide the other out.

Councilman Curtis makes motion to allow temporary loan from Rainy Day to General and Park/Rec.
Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion.
There was none.

Roll call vote was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously.

Clerk Treasurer Dike stated the Resolution is number 12-09 at 7:30pm.

Attorney Higgins stated the next item on the legal portion of the agenda is the 1st Reading of the Ordinance moving the Utility Board and Council Meetings from 2nd and 4th Mondays to Thursdays that coincide with the board of Works Meetings. She stated the ordinance does not reflect the months maybe twice a year that would have the additional meeting. She stated she didn't put that language into the ordinance. She stated you could have something pressing going on so if you decide you don't need the meeting you could cancel it at that time.

Councilman Curtis makes a motion to approve on 1st reading the Ordinance moving the Council Meetings to Thursdays coinciding with the Board of Works.
Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion.
There was none.

Roll call was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – no.

Mayor Tucker reported the motion carried.

Attorney Higgins stated the next item on the agenda is the 1st reading of the traffic ordinance removing the first parking space immediately left of the exit drive of the courthouse house. It would also make the parking spaces in between the two drives parallel.

Councilman Fuelling makes a motion to approve on 1st reading the Ordinance changing the angle parking to parallel parking and eliminate 1 spot west of the courthouse exit drive.
Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion.

Commissioner Maynard asked if between the 2 drives if the spots have been measured.
Councilman Curtis yes but the space is small.

Attorney Higgins stated the ordinance doesn't state a certain number of spots so whatever regulation size are for parallel parking.

Roll call vote was taken by Clerk-Treasurer Dike: Councilwoman Shelton – yes, Councilman Fuelling – yes, Councilman Hoehn – yes, Councilman Curtis – yes, Councilwoman Higgins – yes.

Mayor Tucker reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the board.
There was no response.

Mayor Tucker asked if anyone had anything under old business.

Councilwoman Higgins stated there is still a dog problem at the riverfront and asked Commissioner Maynard if he has looked at doggy stations.

Commissioner Maynard stated he has looked at signage and has to get with the Park/Rec. He stated as far as doggy stations with bags he can investigate that. He stated it is kind of a contradiction with the signs and then offering doggy stations. He stated if they put up signs that say no dogs pooping in the park then there is no need for a doggy station.

Councilwoman Higgins stated they don't want a sign that says no dogs at all, it is a nice place to walk your dog but they just have to clean it up.

Commissioner Maynard stated so you don't mind dogs there you just want the owners to clean up the mess.

Councilman Fuelling stated it has to be cleaned up. Councilman Fuelling stated what they are talking about would look like a post office box and when you pull the slide down and bags would come out.

Commissioner Maynard asked who would be paying for this in the long term the Street Dept or the Park and Rec.

Councilman Hoehn asked if this is a City Wide Ordinance and if that is the case it goes back to the dog owner.

Councilman Curtis stated I think there is. He believes there was one when he came on.

Commissioner Maynard stated he doesn't mind helping the Park out but money is tight. He stated at some point they need to make clear who is responsible for the Park. He stated the Street Department is sort of a catch all.

Councilman Hoehn stated he will look at ordinance and if there isn't one maybe look at some ordinances in other towns but believes this should fall back on owners not Street Department.

Councilman Curtis stated the station that he has seen you would get the bags and then take those bags to the trash. He stated that brings up other problems.

Commissioner Maynard stated he doesn't want to spend money on something that is a want and not a need.

Attorney Higgins stated you might want to go ahead and get a sign up right away that just says owners must pick up after dogs and then price the doggy stations.

Commissioner Maynard asked if Councilman Fuelling would help him on the wording of the sign.

Councilman Fuelling stated yes.

Councilman Fuelling stated he likes the idea of a dog park and that been mentioned. Someone had mentioned that on the lower level.

Mayor Tucker asked if there were any questions.
There were none.

Mayor Tucker asked if anyone had anything else under old business.

Councilman Hoehn stated he had mentioned at the last meeting looking to see if there is some type of stop sign uniform information out there and there happens to be a manual on uniform traffic control devices. He stated it happens to be available online and he believes Commissioner Maynard has a copy. He stated basically saying stop signs should not be used a traffic control devices. He stated what happens is that people will slow down for the sign and then speed up even more after. So basically the speed is the same. He stated if you put stop signs up irrationally people will ignore them and run them and they become of no value. He stated there is engineering criteria as to what intersections need what need type of sign. You can go online to see it or talk to Commissioner Maynard.

Councilman Hoehn stated that he believed they also had information about motorized wheelchairs.

Councilwoman Shelton stated that Attorney Higgins had emailed information about motorized wheelchairs/scooters in the streets but hasn't had time to look at it.

Councilman Hoehn stated he had looked at this about a year ago and according to the American Disability Act any place a person can safely walk, motorized vehicle can go. He stated there have been cities have put in ordinances that motorized wheelchairs can't be on city streets going with or against traffic unless there is no sidewalk. He stated if they are in the street when they are sidewalks it is an unsafe act. He stated you could write this but it will be an enforcement issue.

Councilman Curtis stated our problems are sidewalks.

Councilman Hoehn stated like in Park Ridge there are no sidewalks.

Attorney Higgins stated because of ADA it is hard to restrict them.

Councilman Curtis stated the enforcement would be a nightmare.

Councilman Hoehn stated the other day he saw a motorized wheelchair sitting at 4th and Main in front of a Semi.

Councilman Hoehn stated there is no lights no horn you just don't see them.

Attorney Higgins stated at this time she recommends no ordinance.

Councilman Curtis stated he agrees with her.

Councilman Hoehn stated if we made golf carts legal we would be ok they could drive them all over town.

Mayor Tucker asked if there was any discussion.

There was none.

Mayor Tucker stated under New Business is the May 28, 2012 Memorial Day Meeting. Mayor Tucker stated that our next Utility Board and Council Meeting fall on Memorial Day and the City is closed for the Holiday. He stated we can either cancel or move the meeting to another day.

Attorney Higgins stated you can cancel the meeting with the option of a special meeting if needed.

Councilman Fuelling makes motion to cancel the Council Meeting scheduled for 5/28/12 due the Memorial Day Holiday.

Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if there was anything else under New Business.

Councilman Curtis stated he has had several people contact him regarding semi traffic on West Lincoln, Emmick and on into Lawrence Addition. He stated the semis are lost by GPS coming in town north. He stated he believes the GPS is telling them to turn at the blinking light at IGA. He stated he talked to GAF and they are willing to buy directional signs with arrows. He stated there are 5 ton weight limit signs at every street going into from Grant going north. He stated they will buy the signs but asked if we can put them on our signs and if we can erect 3 signs that they buy.

Commissioner Maynard stated he would read up and see what signs we can put them on. He stated we will get it worked out.

Councilman Curtis asked Commissioner Maynard when he finds out to get in touch with him.

Councilwoman Higgins stated she has talked to 2 people on Vista with this problem. She stated this might solve the problem.

Mayor Tucker asked if anyone has contacted WSI.

Councilman Curtis stated he has not but the people who complained to him stated the semis were going to GAF.

Chief Belloat stated he has received the same complaints and he has personally talked to the plant manager of Country Mark particularly about Vista Drive and they said they would address the problem on their end and Lieutenant Angel has talked to GAF and WSI.

Councilman Hoehn stated there is trucking GPS devices. He stated they are probably going to Wal-Mart and buying a Garmin which is taking them down the residential route.

Mayor Tucker asked if there were any discussion.
There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton stated she has no report.

2nd District Councilman Fuelling stated he has no report

3rd District Councilman Hoehn the rain garden is closer; a lot of work is being done.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-large Higgins stated she wanted to compliment the Sewer Dept. She was told that someone called the Sewer plant with a question and got a call back very fast.

Mayor Tucker asked if there were any questions.
There was none.

Mayor Tucker stated under Mayor's Announcements he wanted to mention that at the last Board of Works meeting a contract was signed with Umbaugh for them to come in a look at books and tax caps. He stated they should be here anytime and Jim Cameron is very familiar with the City as he helped with the Bonds for the Water Works.

Mayor Tucker stated if there is no further business he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned.
Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Denise Dike
Clerk-Treasurer